

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

214

CRM-M-44893-2021

Date of decision: 23.02.2022

Krishan Arora

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Naveen Batra, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab
for the respondent-State.

MANJARI NEHRU KAUL, J. (ORAL)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.170 dated 26.09.2021 under Sections 376 and 506 IPC registered at Police Station C-Division, Amritsar.

Learned counsel at the outset has submitted that the prosecutrix, aged about 50 years, has planted a totally false and fabricated case upon the petitioner, aged 30 years, with an ulterior motive to extract money by blackmailing and thus heaping humiliation upon him. Learned counsel in support of his submission has drawn the attention of this court to Annexures P2 and P3 dated 08.09.2021 and 20.09.2021 respectively wherein the prosecutrix had herself admitted that she had left her house of her own sweet will. Further it had also been stated by her that since her husband was a drug addict and under debt, she was being pressurized by him to indulge in illicit acts. Learned counsel has submitted that considering the age of the petitioner as well as the photographs of both the petitioner and the prosecutrix, which have been annexed as Annexure P4 with the petition, it was

clearly a case of honey-trap. Learned counsel submitted that the allegations levelled in the FIR that she had been subjected to have forcible physical relations on the pretext of solemnizing marriage by the petitioner thus deserved to be rejected outrightly in view of the aforementioned submissions. In support of his submissions, learned counsel has placed reliance upon *Sonu @ Subhash Kumar v. State of U.P. 2021 (2) RCR (CrI.) 269* to urge that the relations between the prosecutrix, who admittedly is a mature woman of 50 years, and the petitioner, if any, were consensual in nature and there was no question of the prosecutrix agreeing to physical relations with the petitioner on the promise of marriage given by him. Learned counsel further submits that in compliance of order dated 28.10.2021, the petitioner has joined investigation and cooperated with the investigating agency.

Learned State counsel, on instructions from ASI Dilraj Singh, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation. He on further instructions submits that after completion of investigation, challan has been presented before the Court concerned.

In view of the above, the petition is allowed and interim order dated 28.10.2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

23.02.2022

Vinay

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No